

10/552874

JC20 Rec'd PCT/PTO 12 OCT 2005

PCT/EP2005/001461

TRANSLATION OF

WRITTEN OPINION

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stur41.do7

STUR-41

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

See Form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) See Form PCT/ISA/210 (Sheet 2)

Applicant's or agent's file reference
See Form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.

International filing date
(day/month/year)

Priority date (day/month/year)

PCT/EP2005/001461

14.02.2005

12.02.2004

International Patent Classification (IPC) or both national classification and IPC
F16D25/0638, F16D27/00

Applicant

ORTLINGHAUS-WERKE GMBH

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA
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Patent Office]

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

10/552874
JC20 Rec'd PCT/PTO 12 OCT 2001
International Application No.
PCT/EP2005/001461

Box No. I Basis of this opinion

1. With regard to **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise stated in this section.

☐ This opinion has been established on the basis of a translation of the international application into the following language: _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing
 - b. format of material

☐ on paper

☐ in electronic form
 - c. time of filing/furnishing

☐ contained in the international application as filed

☐ filed together with the international application in electronic form

☐ furnished subsequently to this Authority for the purposes of search
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International Application No.
PCT/EP2005/001461

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty	Yes:	Claims 1-12
	No:	Claims
Inventive step	Yes:	Claims 1-12
	No:	Claims
Industrial applicability	Yes:	Claims 1-12
	No:	Claims

2. Citations and explanations:

See supplemental sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. In reference to Claim 1:

Claim 1 satisfies the requirements of Art. 33(2) to 33(4) PCT with respect to novelty, inventive step and industrial applicability.

Since the features of Independent Claim 1 are not set forth in any of the documents cited in the search report or acknowledged in the introduction to the description, the subject matter of Claim 1 is novel.

The documents cited in the search report do not provide the skilled person with any suggestion, in connection with a rotary drive clutch according to US A 3,403,763, that the piston/cylinder unit could be acted on as set forth in the characterizing portion of Claim 1. The measure of having the piston/cylinder unit acted on by an external force generator comprising an axially traversable rotor (which is bearing-mounted in a rotationally movable manner or via an axial-force rotating bearing) and a stator derives from a step that is in no way a logical improvement of the cited prior art. The rotary drive clutch of Claim 1 is therefore based on an inventive step.

The subject matter of Claim 1 is producible and usable and can therefore also be deemed industrially applicable.

2. In reference to Claims 2-12:

Dependent Claims 2-12 contain advantageous and non-obvious executions of a rotary drive clutch according to Claim 1. Claims 2-12 therefore also fulfill the requirements with respect to novelty, inventive step and industrial applicability laid down in Arts. 33(2) to (4) PCT.